

ORDINANCE NO. 07-346

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DESCRIBING THE AGOURA HILLS REDEVELOPMENT AGENCY'S EMINENT DOMAIN PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN IN THE AGOURA HILLS REDEVELOPMENT PROJECT AREA

WHEREAS, the Agoura Hills Redevelopment Agency ("Agency") is a redevelopment agency in the City of Agoura Hills, created pursuant to the California Community Redevelopment Law, California Health & Safety Code Section 33000 *et seq.*; and

WHEREAS, the City Council of the City of Agoura Hills ("City Council"), by Ordinance No. 92-213, adopted on July 15, 1992, approved and adopted the Redevelopment Plan for the Agoura Hills Redevelopment Project Area ("Redevelopment Plan"), thereby creating the Agoura Hills Redevelopment Project Area ("Project Area"); and

WHEREAS, the City Council, by Ordinance No. 94-248, adopted on November 9, 1994, amended the Redevelopment Plan to comply with A.B. 1290; and

WHEREAS, the City Council, by Ordinance No. 05-329, adopted on February 9, 2005, approved and adopted the 2005 Eminent Domain Amendment to the Redevelopment Plan for the Agoura Hills Redevelopment Project, which amended the Redevelopment Plan to reinstate the time limit for commencement of eminent domain proceedings to acquire real property in the Project Area for a period of twelve (12) years from the effective date of said ordinance; and

WHEREAS, California Health & Safety Code Section 33342.7 (added by Senate Bill No. 53) became effective January 1, 2007, and requires a legislative body that adopted a final Redevelopment Plan before January 1, 2007, to adopt an ordinance describing the Redevelopment Agency's program to acquire real property by eminent domain; and

WHEREAS, pursuant to the Redevelopment Plan, as amended, the Agency has authority to acquire certain real property and real property interests (collectively "real property") by eminent domain, and therefore the Redevelopment Plan, as amended, together with applicable laws, rules, regulations, guidelines, and policies, as described herein, comprise the Agency's program to acquire real property by eminent domain.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

Section 1. The Agency's Eminent Domain Program. Without amending the Redevelopment Plan, as amended, the Agency's program for the acquisition of real property by eminent domain in the Project Area is hereby described as follows:

(a) The Agency may, but is not required to, exercise its authority to acquire real property, by eminent domain. The Agency may exercise that authority as follows:

(1) The proposed acquisition is in accordance with and necessary to the execution of the Redevelopment Plan, as amended;

(2) Proceedings to acquire real property by eminent domain are commenced within twelve (12) years after the effective date of Ordinance No. 05-329, which was adopted on February 9, 2005; and

(3) The proposed acquisition is in compliance with all applicable laws and regulations, including but not limited to, the California Eminent Domain Law, California Code of Civil Procedure Section 1230.010 *et seq.* (“Eminent Domain Law”).

(b) The Agency shall offer such participation and reasonable reentry opportunities to owners, business operators, and tenants as are in accordance with the Redevelopment Plan, and shall comply with the Community Redevelopment Law and the Agency’s Rules Governing Participation and Preferences by Property Owners and Business Occupants in the Agoura Hills Redevelopment Project Area adopted on March 3, 1992 by Resolution No. 11 (“Owner Participation Rules”), as such rules may be amended from time to time; and

(c) The Agency shall provide relocation assistance and make all payments in accordance with applicable State law, including but not limited to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code (“State Act”); the Relocation Assistance and Real Property Acquisition Guidelines (Chapter 6 of Title 25 of the California Code of Regulations, beginning with Section 6000)(“State Guidelines”) adopted by the Department of Housing and Community Development to implement and interpret the State Act; and, if and when applicable, Federal law, including but not limited to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C., Section 4601 *et seq.*)(the “Federal Act”) and the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs Regulations (49 Code of Federal Regulations, Part 24, beginning with Section 24.1)(the “Federal Guidelines”). The Agency shall comply with the Relocation Rules adopted by the Agency to implement the State Guidelines and Federal Guidelines (“Relocation Rules”); as such rules may be amended from time to time.

(d) If the Agency’s Owner Participation Rules or Relocation Rules are amended or superseded subsequent to the adoption of this ordinance, the foregoing description of the Agency’s eminent domain program is automatically amended to be consistent with any such amendment or new rules and no amendment of the Redevelopment Plan shall be required.

Section 2. California Health & Safety Code Section 33342.7. This ordinance is adopted pursuant to California Health & Safety Code Section 33342.7 and is a description of the Agency’s program to acquire real property by eminent domain, as

mandated by that statute. No amendment of the Redevelopment Plan is effected by this ordinance.

Section 3. California Environmental Quality Act. This ordinance has been reviewed with respect to applicability of the California Environmental Quality Act (“CEQA”), and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the “Guidelines”), and the City’s environmental guidelines. The City has determined that this ordinance is not a “project” for purposes of CEQA, as that term is defined by Guidelines Section 15378. Specifically, this ordinance is adopted in order to comply with the requirements of California Health & Safety Code Section 33342.7, and is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b)(5)). Therefore, because it is not a “project,” this ordinance is not subject to CEQA’s requirements. Further, even if this ordinance were deemed a “project” and therefore subject to CEQA, the ordinance would be covered by the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. (Guidelines Section 15061 (b)(3)). As an organizational or administrative activity that does not effect any change in the Agency’s authority to exercise its powers of eminent domain and involves no exercise of such powers, the ordinance does not have the potential to cause a significant effect on the environment and is therefore exempt under this general rule. Further, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and thus this ordinance is not subject to CEQA. (Guidelines Section 15061(b)(3)).

Section 4. Severability. If any part of this ordinance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, for any reason, such decision shall not affect the validity of the remaining portions of this ordinance and this City Council hereby declares that it would have passed the remainder of this ordinance if such invalid or unconstitutional portion thereof had been deleted.

Section 6. Certification. The City Clerk shall certify to the passage of this ordinance and is hereby directed to publish or post this ordinance in accordance with law.

Section 7. Transmittal to Agency. The City Clerk is hereby directed to send a certified copy of this ordinance to the Agency.

Section 8. Filing Notice of Exemption. Staff is hereby directed to file a Notice of Exemption with the County Clerk within five days of the adoption of this ordinance pursuant to Section 15062 of the Guidelines.

PASSED, APPROVED, AND ADOPTED, this ____ day of _____, 2007 by the following vote to wit:

AYES	(0)
NOES	(0)
ABSENT	(0)
ABSTAIN	(0)

Dan Kuperberg, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk